

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

JOEL S. MARTIN, et al.	)	CASE NO.
	)	
Plaintiffs,	)	JUDGE
	)	
vs.	)	<b><u>NOTICE OF REMOVAL</u></b>
	)	
CHILDREN'S GROUP, LLC	)	
aka HEARTHSONG	)	
	)	
Defendant.	)	

PLEASE TAKE NOTICE THAT pursuant to 28 U.S.C. § 1332 and 28 U.S.C. § 1446, Defendant Children's Group, LLC aka Hearthsong, hereby removes this action to federal court. In support thereof, Defendant Children's Group, LLC aka Hearthsong states as follows:

1. Jurisdiction over this action is based on the diversity of citizenship under 28 U.S.C. §§ 1332 and 1446 because it is a civil action in which (i) the amount-in-controversy exceeds \$75,000, exclusive of interest and costs; and (ii) there is complete diversity of citizenship between Plaintiffs and Defendant. *See* 28 U.S.C. § 1332.

**CITIZENSHIP OF THE PARTIES**

2. Children's Group, LLC aka Hearthsong is a named Defendant in the action captioned Joel S. Martin et al. v. Children's Group, LLC aka Hearthsong, pending in the Court of Common Pleas, Stark County, Ohio Case No. 2022 CV 00972. A true and accurate copy of the Complaint is attached hereto as Exhibit A.

3. Plaintiff Joel S. Martin is a citizen of Ohio. (See Compl.)

4. Plaintiff Danielle Martin is a citizen of Ohio. (See Compl.)

5. Defendant Children's Group, LLC aka Hearthsong is a citizen of Virginia.

6. Defendant Children's Group LLC aka Hearthsong has its principal place of business in Virginia and is incorporated in Virginia, and is, therefore, a citizen of Virginia.

7. The requirements for diversity of citizenship are satisfied under 28 U.S.C. § 1332(a) because the named Plaintiffs and Defendant are citizens of different states.

### **AMOUNT-IN-CONTROVERSY**

8. The amount-in-controversy, exclusive of interest and costs, exceeds \$75,000. Plaintiff's prayer for relief includes claimed damages in excess of \$25,000 per plaintiff. While Defendant denies liability, assuming liability were proven, the cost of damages exceeds \$75,000, satisfying the amount-in-controversy requirement under 28 U.S.C. § 1332.

### **PROCEDURAL REQUIREMENTS**

9. The Summons and Complaint were served upon Defendant Children's Group, LLC aka Hearthsong by certified mail on June 27, 2022, and Children's Group, LLC aka Hearthsong, consents to the removal. Accordingly, this Notice of Removal is timely filed within thirty (30) days of Defendant Children's Group, LLC aka Hearthsong's receipt of Plaintiffs' initial pleading. 28 U.S.C. § 1446(b).

10. Pursuant to 28 U.S.C. § 1446(a), Defendant is required to file "a copy of all process, pleadings, and orders served upon" it. Attached are the additional pleadings filed in the state court. (Exhibit B). No other pleadings have been filed to date.

11. Pursuant to 28 U.S.C. § 1446(d), Defendant will promptly notify Plaintiffs and the Court of Common Pleas of Stark County, Ohio of this removal through a Notice of Filing of Notice of Removal, a copy of which is attached hereto as Exhibit C.

12. Defendant reserves all defenses to Plaintiffs' Complaint and the claims asserted therein including, without limitation, any defenses available under the Ohio Civil Rule of Procedure 10(D)(2).

WHEREFORE, Defendant Children's Group, LLC aka Hearthsong hereby removes this case from the Court of Common Pleas of Stark County, Ohio to this United States District Court for the Northern District of Ohio, Eastern Division for all further proceedings.

DATED: July 21, 2022

Respectfully submitted,

REMINER CO., L.P.A.

*s/Robert S. Yallech*

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*Attorney for Defendant*

**CERTIFICATE OF SERVICE**

A copy of the foregoing was mailed by electronic mail on this 21<sup>th</sup> day of July 2022, to  
the following:

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*s/Robert S. Yallech*

Robert S. Yallech (0075494)